

Appl. No. 10/564,646  
Amdt. Dated April 14, 2011  
Reply to Office Action of October 14, 2010

Attorney Docket No. 375325-000001  
Customer No.: 73230

REMARKS

Applicant has amended the claims 10 and 21 and canceled claim 11. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims as amended.

The Examiner is rejecting the claims 10-12 and 21 under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular, it is the Examiner's opinion that the phase "recording medium" includes "electronic medium" which would include signals and signals are not statutory subject matter. Applicant has amended the claim 10 and respectfully submits that it now complies with 35 USC 101.

The Examiner has rejected the claims 10-12 and 21 under 35 U.S.C 112, second paragraph, as being indefinite stating that the claims include certain means plus function limitations, but in the Examiner's opinion the written description fails to clearly link or associated disclosed structure with the claimed functions. In reply thereto, applicant directs the Examiner's attention to Page 24, line 10 through page 25 line 11 wherein it lists structure to perform the functions. Accordingly, Applicant respectfully submits that the claims 10, 12 and 21 comply with 35 USC 112, 2nd paragraph.

The Examiner has rejected the claims 10-12 under 35 U.S.C 103 as being obvious over Honarvar in view of Eitetsu stating that Honarvar discloses substantially all of the present invention except for teaching at least one of the user information is an information unit or unwilling authentication signal used when user authentication is performed despite the intention of the user; Eitetsu discloses one of the user information is an information unit for unwilling authentication and it would be obvious to one of ordinary skill in the art to modify Honarvar in view the teachings of Eitetsu.

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In reply to this rejection Applicant has reviewed Honarvar and submits that Honarvar teaches an authentication system which is based upon providing answers by the user to a number of different randomly selected questions (see paragraph [0016] of Honarvar) and does not teach a system such as Applicant's invention which is based upon episode memory and the images associated with episode memory. In particular, Applicant's invention provides advantage over systems such as Honarvar in that Applicant's invention effectively works when the user is in a near panic or panic situation. Applicant submits that in such a situation, word password would not work. The method using, as in the present invention, images are very effective, and with the use of episode memory, any one in any panic situation, authentication can be made properly. In addition, Applicant would like to by reference his comments concerning the usefulness of episode memory set forth in Applicant's Amendment dated August 23, 2010.

Applicant has further carefully reviewed Eitetsu and respectfully submits that while at first glance Eitetsu and Applicant's invention accomplish the same object, Applicant respectfully submits that the means to accomplish this object are entirely different in Applicant's invention from Eitetsu. Applicant respectfully submits that in Eitetsu, the object is accomplished without describing the episode memory nor describing a memory of images. In contrast thereto, in Applicant's invention the object is accomplished by clearly utilizing episode memory and the use of images. Since Eitetsu does not utilize episode memory or the use of images, Applicant respectfully submits that it forces a user to memorize characters and numbers that are, in the first place, of no easy use, causing stress and making users reluctant to use passwords. In contrast thereto, in Applicant's invention the authentication method uses images based on episode memory which can easily accomplish the object of Applicant's invention. In other words, Use of picture is not equal to use of episode memory. Pictures

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having no relation with episode memory which is autobiographical does not work effectively. Use of episode memory is effective for performing correct user authentication in panic situation and report the situation without having the threatening person noticed. For the same object, Applicant respectfully submits that Eitetsu proposes a method that is difficult to perform whereas Applicant's invention proposes a method that is easy to perform.

Still further, Applicant respectfully submits that in Applicant's invention is provided a structure or method where an information unit for unwilling authentication is included among the plurality of information units and by selecting the unwilling authentication information together with other information units that creates an authentication signal, it is possible for the user by submitting such authentication signal to indicate that the user is unwilling to authenticate. In contrast thereto, Applicant's review of Eitetsu indicates that it discloses multiple passwords, one of which is an emergency password, not nearly the change or selection of an unwilling authentication information unit which is inserted into the authentication signal to indicate the user is submitting the authentication signal unwillingly. Instead, the principles and operation of Eitetsu depend on the utilization of a completely different emergency password.

Still further, the user information is selected from visual information relating to episode memory of the user in claim 21. Also at least one of the plurality of information units is an information unit for an unwilling authentication signal used when the user authentication is performed despite the intention of the user. Applicant respectfully submits that these features of Applicant's invention described above are not shown or suggested by any of the art relied upon by the Examiner.

In view of the above, therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention but also the combination suggested by the Examiner would not be suggested to one of ordinary skill in the art.

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Therefore, Applicant respectfully submits that the claims 10, 12 and 21 are not obvious over Honarvar in view of Eitetsu.

The Examiner further rejects the claim 21 under 35 U.S.C. 103 is being obvious over Honarvar in view of Eitetsu and further in view of Pering stating that Honarvar and Eitetsu disclose an individual authentication system comprising substantially all the elements of claim 10 but does not disclose wherein said visual information is selected from the group consisting of photographs, pictures and drawings; Pering teaches that the visual information can be selected from photographs or pictures or drawings; and it would be obvious to modify the combination of Honarvar and Eitetsu in the view of the teachings of Pering.

In reply to this rejection, Applicant would like to incorporate by reference his comments above concerning Honarvar and Eitetsu. In addition, Applicant has carefully reviewed Pering and submits that Pering discloses the use of photographs wherein at least one of the photographs provided by a user from a plurality of photographs is selected so as to provide authentication and does not disclose that the photographs relate to episode memory. In particular, Applicant submits that use of pictures is not equal to use of episode memory. Pictures having no relation with episode memory which is autobiographical do not work effectively. Use of episode memory is effective for performing correct user authentication in panic situation and report the situation without having the threatening person noticed.

In view of the above, Applicant submits that the combination suggested by the Examiner is not Applicant's invention and the claim 21 is not obvious over Honarvar in view of Eitetsu and further in view of Pering.

Applicant further respectively and retroactively requests a three (3) month extension of time to file this amendment. Please charge the extension fee in the amount of \$555.00 (Fee Code: 2253) to DLA Piper Deposit Account No. 07-1896.

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In view of the above, therefore, it is respectfully requested that this Amendment be favorably considered and the case passed to issue.

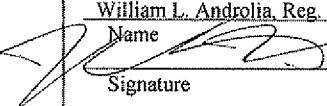
Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to DLA Piper Deposit Account No. 07-1896.

Respectfully submitted,

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